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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

HOOD RIVER VALLEY RESIDENTS
COMMITTEE, an Oregon non-profit
corporation; MIKE MCCARTHY, individually;
HOOD RIVER COUNTY by and through the
BOARD OF COUNTY COMMISSIONERS OF
HOOD RIVER COUNTY, an Oregon municipal
corporation; & MT. HOOD MEADOWS
OREGON, LLC, an Oregon LLC;
CLACKAMAS COUNTY, by and through the
BOARD OF COUNTY COMMISSIONERS OF
CLACKAMAS COUNTY, a political
subdivision of the State of Oregon,

Plaintiffs,

v.

JIM PEÑA, Regional Director of Region 6 of the
United States Forest Service; LISA
NORTHROP, Supervisor, Mt. Hood National
Forest of the United States Forest Service;
THOMAS L. TIDWELL, Chief of the United
States Forest Service; and the UNITED STATES
FOREST SERVICE, an Administrative Agency
of the United States Department of Agriculture,

Defendants.

Case No.: 3:15-cv-01397-BR

**DEFENDANTS' NOTICE OF LODGING
OF ADMINISTRATIVE RECORD**

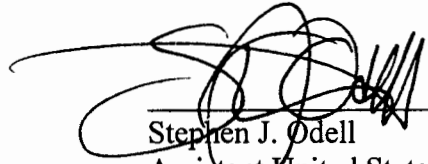
Pursuant to 5 U.S.C. Section 706, Defendants hereby give notice of their lodging with the Court this date the administrative record underlying the administrative tasks, activities, and constituent steps in which the agency has engaged to date to implement the congressionally directed and conditioned land exchange with Mt. Hood Meadows Oregon, LLC, pursuant to Section 1206 of the Omnibus Public Land Management Act of 2009 Pub. L. 111-11, the completion of which Plaintiffs seek to have this Court compel under 5 U.S.C. § 706(1) in the above-captioned action. Defendants would further give notice in this regard that, because Plaintiffs' remaining viable claim involves an alleged "unreasonable delay" to carry out one or more of what they assert to be "agency actions" under the Administrative Procedure Act, the administrative record does not have a "closing date," and as a result, Defendants will need to supplement the administrative record at least once as the Forest Service continues with its ongoing efforts to work with Plaintiff Mt. Hood Meadows and complete the land exchange.

This first installment of the administrative record upon which the Court is to carry out its review of Plaintiff's claim as well as the index to that record are all being provided in electronic form on the two discs enclosed in the attached plastic sheath. Defendants believe lodging of the administrative record in this form is consistent with LR 100 insofar as such materials do not constitute attachments or exhibits, as referenced in LR 100-2, as well as the fact they are being lodged with the Court, not filed. Lodging of administrative record materials on disc is also consistent with the practice that federal agencies have regularly followed in this Court even after amendment of LR 100 in December 2009 in cases seeking judicial review of agency actions. *See, e.g., Central Oregon Landwatch v. Connaughton*, 6:13-cv-2027-AA (Dkt. # 53)(Dec. 18, 2013); *Deer Ck. Valley Nat. Res. Conserv. Ass'n v. BLM*, 6:12-cv-1596-CL (Dkt. # 13)(Dec. 3, 2012); *Brown v. Vilsack*, 3:11-cv-895-ST (Dkt. #10)(Mar. 30, 2012);

Oregon Nat. Res. Council Fund v. Connaughton, 1:5-cv-3004-PA (Dkt. #252)(Feb. 15, 2012);
Downer v. U.S. Dep't of the Interior, 11-cv-816-SU (Dkt. # 18)(Dec. 27, 2011); ONDA v.
BLM, 08-cv-1271-KI (Dkt. # 28)(Oct. 12, 2010); ONDA v. Freeborn, 06-cv-1311-MO (Dkt. #
70)(June 15, 2010); Navickas v. Conroy, 10-cv-3004-CL (Dkt. # 11)(June 24, 2010).

In conjunction with their submission of the administrative record for lodging with the
Court, Defendants are also electronically filing this same date the Declaration of Christopher
D. Emmerich in which he certifies the contents of the administrative record so lodged.

Respectfully submitted this 29th day of February 2016.



Stephen J. Odell
Assistant United States Attorney
Of Attorneys for Defendants

CERTIFICATE OF SERVICE


I HEREBY CERTIFY that I made service of the foregoing DEFENDANTS' NOTICE OF LODGING OF ADMINISTRATIVE RECORD, as well as two discs containing that record and the index thereto, which is to provide the basis for the Court's review of Plaintiffs' claim in this action that are enclosed in a protective plastic sheath attached to the notice, by causing a true copy of each of the foregoing items to be placed into the U.S. mail in Portland, Oregon, with postage paid for first-class delivery this 29th day of February 2016, to each of the following counsel of record:

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